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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,135	02/01/2000	Marvin K. Simon	06618/363002/CIT-2885	5769

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EXAMINER

GHEBRETINSAE, TEMESGHEN

ART UNIT PAPER NUMBER

2631

DATE MAILED: 03/25/2002

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 13

Application Number: 09/496,135
Filing Date: 2/1/2000
Appellant(s): Simon et al.

Scott C. Harris
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed October 22, 2001.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The

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Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claim(s) 6 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al.

Kato discloses a method for coding signals producing Feher- quadrature phase shift keying (FQPSK) that has no slope discontinuity (see fig.6)

(11) Response to Argument

appellant argues that Kato does not disclose FQPSK signal that has no slope discontinuity. Kato does disclose FQPSK signal having no slope discontinuity (see fig. 6). Appellant argues that the signal formed in the '602 patent *may* have a slope discontinuity at the location between adjacent *half symbol* boundaries, and further argues that the present

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invention shows FQPSK signal that has no slope discontinuity for *full symbol waveform*.

However, the claimed invention does not disclose the signal being a *full symbol waveform*.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

T. Ghebretinsae
March 22, 2002

TEMESGHEN GHEBRETINSAE
PRIMARY EXAMINER

Conferee

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